

Remarks/Arguments

Claims 1-4, 6-10, 63, 65 and 66 examined and rejected. By this Amendment, claims 1-3, 54, 59 and 66 are amended. Claims 5, 11-31, 42-53, 56-58, 61, 62, 64 and 67-69 were canceled in a previous response. Claims 32-41, 54, 55, 59 and 60 were previously withdrawn in response to a Restriction Requirement. Claims 1-4, 6-10, 63, 65 and 66 remain under examination in the application.

The amendments to the claims are fully supported by the specification, the figures and the original claims. Accordingly, no new matter has been added. Reconsideration and allowance of the claims as amended is respectfully requested in view of the comments made below.

I. Obviousness Rejections

Claims 1, 2, 63, 65 and 66 are rejected as being obvious under 35 USC §103(a) over Ehrlich (U.S. 2,801,663) in view of Humphrey (U.S. 5,607,401). See Office Action, ¶6.

Claim 1 has been amended to clarify that the hollowed portion is in the body of the lancet and does not refer to the sharpened tips. Claim 1 now recites a lancet including a seamless member comprising: first and second sharpened tips; and a body with a first end and a second end with a length in between, the body hollowed along a portion of its length, wherein first and second sharpened tips extend from the first end. Applicants submit that the language of the claim is clear with respect to the hollowed portion of the body of the lancet. Claim 2 is amended to correct antecedent basis.

Claim 63 has been amended to clarify that the hollowed portion is in the body of the lancet and does not refer to the sharpened tips. Claim 63 is amended to recite a lancet including: a partially hollow body having a circumference defined by an outer wall, the partially hollow body having a first end, a second end and a length therebetween; and a first ground surface and a second ground surface extending from the first end. Applicants submit that the language of the claim is clear with respect to

the hollowed portion of the body of the lancet. Claim 66 is amended to correct antecedent basis.

The Examiner contends that the actual length of the hollowed portion is not defined with respect to the length of the body of the lancet. Applicants submit that the claim language was clear. However, to move the application to allowance, the claims have been amended to clearly recite that it is the body of the lancet that is partially hollow, with the sharpened tips or ground surfaces extending from the body and claimed as separate elements.

There is no teaching in either of Ehrlich or Humphrey to combine hollow and solid lancets. Ehrlich only discloses hollow needles and Humphrey discloses either solid or hollow. One skilled in the art would not arrive at the claimed subject matter when combining the tips of Ehrlich with a hollow needle of Humphrey. Accordingly, the combination does not render the claims obvious to one skilled in the art at the time the invention was made. Applicants respectfully request a notice of allowed claims.

Claims 3, 4, and 6-10 are rejected as being obvious under 35 USC §103(a) over Ehrlich (U.S. 2,801,663) in view of Ayres (U.S. 3,906,932). See Office Action, ¶¶9.

Claim 3 has been amended to clarify that the hollowed portion is in the steel member and does not refer to the gullet of the sharpened tips. Claim 3 is amended to recite a lancet comprising: a unitary stainless steel member having a first end and a second end with a length in between, the unitary stainless steel member hollowed along only a portion of the length; and first and second ground surfaces extending from the first end to at least partially define first and second sharpened tips with a gullet between the sharpened tips. Applicants submit that the language of the claim is clear with respect to the hollowed portion of the body of the lancet.

Ehrlich fails to disclose a member hollowed along a portion of its length. Ehrlich describes the lancet of Fig. 8 as a blank that is rolled into a tube. Col. 5, lines 17-20. Accordingly, the entire length of the tube of Ehrlich is hollow. Ayres also does not teach

Application No. 10/767,867
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Application Filed: January 29, 2004
Response to Office Action mailed February 22, 2011

or suggest a member which is hollowed along a portion of its length. The needle in Ayres was designed to penetrate the rubber stopper of a Vacutainer so that the hollow needle can transport blood from the wound to the Vacutainer, requiring the needle to be hollow along its entire length.

One skilled in the art would not arrive at the claimed subject matter when combining Ehrlich with Ayres. Accordingly, the combination does not render the claims obvious to one skilled in the art at the time the invention was made. Applicants respectfully request a notice of allowed claims.

For the reasons set forth above, Applicant traverses the Examiner's rejections and respectfully submits that all pending claims are allowable. Applicant requests the Examiner's early examination of the pending claims in the present application. In the event that the Examiner deems a telephonic discussion would be helpful in advancing the prosecution of the present application, Applicants respectfully request the Examiner to contact Applicants' representative at (248) 244-0163.

Respectfully submitted,

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Dated: May 23, 2011

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